

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD VAN HOLT,)	
)	
Plaintiff,)	
)	2:05cv1718
v.)	Electronic Filing
)	
RAMONE RUSTIN; DANA PHILLIPS; and)	Judge David S. Cercone
ARAMARK,)	Magistrate Judge Lenihan
)	
Defendants.)	

ORDER

On December 14, 2005, this case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Document No. 6) filed on July 24, 2006, recommended that the Complaint in this case be dismissed due to Plaintiff's failure to prosecute this action. Service was made on the Plaintiff at the Allegheny County Jail, 950 Second Avenue, Pittsburgh, PA 15219, which is the address of record on the docket. Plaintiff was advised he had (10) days from the date of service to file objections. No objections to the report and recommendation were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 12th day of October, 2006;

IT IS HEREBY ORDERED that the Complaint in this case is **DISMISSED** for failure to prosecute this action. The Clerk shall mark this CASE CLOSED.

The Report and Recommendation (Document No. 6) of Magistrate Judge Lenihan, dated July 24, 2006, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Richard Van Holt
Inmate #31278
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219